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however to be sure and put it back. The bar was not restored, and as a result the clerk fell from the car and was injured. Held, that the railway company was not liable as the employee was not acting in the line of his duty in removing the bar, and could not bind the company by his promise to restore it, and, if the clerk relied thereon, he did so at his own peril.

[Ed. Note.—For other cases, see Carriers, Cent. Dig. §§ 1119-1124, 1140, 1141; Dec. Dig. § 283.* 2 Va.-W. Va. Enc. Dig. 704; 14 Va.-W. Va. Enc. Dig. 195; 15 Va.-W. Va. Enc. Dig. 162.]

6. Carriers (§ 305*)—Mail Clerk—Liability for Injuries—Proximate Cause.—That the mail car was insufficiently lighted was not the proximate cause of the accident, and did not render the railway company liable.

[Ed. Note.—For other cases, see Carriers, Cent. Dig. §§ 1132, 1136-1139, 1245, 1246; Dec. Dig. § 305.* 2 Va.-W. Va. Enc. Dig. 710; 14 Va.-W. Va. Enc. Dig. 195; 15 Va.-W. Va. Enc. Dig. 162.]

Error to Circuit Court, Fairfax County.

Action by Alfred B. Carter against the Washington & Old Dominion Railway. Judgment for plaintiff, and defendant brings error. Reversed and remanded.

C. E. Nicol, of Alexandria, and *Wilton J. Lambert* and *R. H. Yeatman*, both of Washington, D. C., for plaintiff in error.

Moore, Barbour, Keith & McCandish, of Fairfax, for defendant in error.

DUNCAN et al. v. DUNCAN'S ADM'X.

June 10, 1915.

[85 S. E. 485.]

Limitation of Actions (§ 46*)—Demand Payable at Debtor's Death—Running of Limitations.—Where a demand is payable at the death of the debtor, limitations only begin to run from his death.

[Ed. Note.—For other cases, see Limitations of Actions, Cent. Dig. §§ 240-253; Dec. Dig. § 46.* 9 Va.-W. Va. Enc. Dig. 390; 14 Va.-W. Va. Enc. Dig. 658; 15 Va.-W. Va. Enc. Dig. 619.]

Appeal from Circuit, Culpeper County.

Suit by R. R. Duncan's Administratrix against one Duncan and others. From a decree for complainant, defendants appeal. Affirmed.

Waite, Perry & Jeffries, of Culpeper, and *Jeffries & Jeffries*, of Norfolk, for appellants.

Grimsley & Miller and *J. G. Hiden*, both of Culpeper, and *John S. Barbour*, of Fairfax, for appellee.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.